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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

June 12, 2019

Mr. Charles Maguire, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75202

Re: State Certification

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit:

Dona Ana County South Central Wastewater Treatment Plant NM0030490

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED website at <https://www.env.nm.gov/surface-water-quality/public-notices/> on April 27, 2019. The public comment period ended on May 28, 2019. NMED did receive comments and considered those during the certification for this proposed permit.

Sincerely,

/s/ Shelly Lemon
Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

June 12, 2019
Dona Ana County South Central Wastewater Treatment Plant

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail
Ms. Quang Nguyen, USEPA (6WQ-PP) via e-mail
Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail
Mr. Dan Sambrano, Dona Ana County via e-mail

June 12, 2019

Mr. David Grey, Acting Regional Administrator
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

STATE CERTIFICATION

RE: Dona Ana County South Central Wastewater Treatment Plant NPDES Permit NM0030490

Dear Mr. Grey:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,

/s/ Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

Doña Ana County
State Certification of the Proposed NPDES Draft Permit
Doña Ana County South Central Wastewater Treatment Plant
NM0026395
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Conditions of Certification

There are no conditions of certification.

Comments That Are Not Conditions of Certification

Comment #1

The Fact Sheet and the proposed permit identify a new effluent limit for Dissolved Oxygen as being 5mg/L. This effluent limit is for a minimum of 5 mg/L. For the sake of clarity, NMED suggests that in addition to the symbol “ \geq ” already in Part 1., Section A., Table 1., that a foot note be entered under the table that states, “*The effluent limit for dissolved oxygen is the minimum daily limit allowed, and the minimum 30 day average allowed.*”

Comment #2

In the proposed permit Part 1., Section A., Table 1., The compliance schedule for Dissolved Oxygen is not identified. This information is available in Part 1.B., however for the sake of clarity NMED suggests an additional footnote be added below Table 1. Stating: “*A compliance schedule is established for meeting the Dissolved Oxygen effluent limits, see Part I. B. Schedule Of Compliance for additional information.*”

Comment #3

In response to the comments submitted to NMED via email, by Mr. Dan Sambrano of Dona Ana County on May 28, 2019.

Total Dissolved Oxygen

*Proposed-*B. on page 3 “The permittee shall submit quarterly progress reports in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire when the discharge is in compliance with the effluent limitations.*

Request:

As I interpret this is as soon as we meet the DO minimum of 5.0 mg/L in the effluent, we will not have to report it from then on. If this is not the case we would like to request that Total Dissolved Oxygen testing go from quarterly to test twice yearly once we meet the criteria.

NMED response: The reporting requirements for Dissolved Oxygen shall remain in effect after the compliance schedule has been met. The Compliance Schedule is in place to provide the permittee time to develop any treatment options necessary to meet the numeric limit of no less than 5 mg/L.

Comment #4

The proposed permit in Part 1., Section A., Table 1., has a footnote #3 for E coli bacteria stating:

Colony forming units (cfu) per 100 ml.

NMED suggest an addition be made to this to include the units of Most Probable Number (MPN) depending on the analytical method used for analysis of E coli bacteria. The footnote would then read:

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“Colony forming units (cfu) per 100 ml, or Most Probable Number (MPN) per 100 ml.”

Comment #5

In response to the comments submitted to NMED via email, by Mr. Dan Sambrano of Dona Ana County on May 28, 2019.

Whole Effluent Toxicity

*Proposed-*7 of Page 2 of Part I: “Once per Quarter. If the first full year of testing, four quarterly test pass, then the frequency may be reduced to once per six months for Ceriodaphnia dubia only. Any failure shall re-establish all test for the Ceriodaphnia dubia test species to once per quarter for the remainder of the permit. The Ceriodaphnia dubia test species shall resume monitoring at a once per Quarter frequency on the last day of the permit.*

Request:

Reduce monitoring for both Ceriodaphnia dubia and Pimephales Promelas to once per year or minimum twice per year for Both Species since we have not had a failed test in +5 years and EPA’s Fact Sheet indicate no Reasonable Potential to cause toxicity based on our test results the past 5 years.

NMED response: The state agrees with the test frequencies defined in the proposed permit for Ceriodaphnia dubia.

The state would accept a reduction in frequency of testing for Pimephales Promelas to once per year, after the permittee completes the first year of quarterly testing without any failures. This would be acceptable per the NMIP also referenced in the Fact Sheet of this proposed permit.

Comment #6

The permittee uses Ultraviolet disinfection for bacteria and not Chlorine. NMED suggests an additional footnote be included for Total Residual Chlorine (TRC) that states, “*Total Residual Chlorine shall be tested for anytime Chlorine is used in any part of the plant cleaning and/or treatment process.*”

End of Comment that are Not Conditions of Certification.